

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 3:22-cr-00173-01

DAVID LEE PINSON

MEMORANDUM OPINION AND ORDER
SEALING EXHIBITS


Pending before the Court is the United States of America's Motion to Seal (ECF No. 20), requesting that Exhibit One attached to its Supplement to the Motion for Detention be filed as sealed. The Court notes that the exhibits attached to the Supplement to the United States' Motion for Detention contains confidential information involving minors. Due to the confidential nature of the information contained in the exhibits, this Court **GRANTS** the United States' motion to seal and **ORDERS** the Clerk to file Exhibit One attached to the Supplement to the United States' Motion for Detention as sealed. (ECF No. 19-1). The Motion itself, (ECF No. 20), should not be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents

and for rejecting alternatives. *Id.* at 302. In this case, the exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the exhibits does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the defendant, counsel of record, and the Probation Department.

ENTERED: March 6, 2023



Cheryl A. Eifert
United States Magistrate Judge